

CHAPTER 5

CONSULTATION AND COORDINATION

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CHAPTER 5

CONSULTATION AND COORDINATION

5.1 Preview of this Section

This section summarizes the scoping process conducted for the preparation of the Draft Amended IAP/EIS. It also summarizes the public review and comment process on the Draft Amended IAP/EIS. Summaries of the agency and organization meetings, agencies and organizations contacted, Government-to-Government consultation, and summary of the development of the BLM's final Preferred Alternative are provided. The individual preparers, with their areas of expertise and/or responsibility, are also listed.

5.2 Formal Scoping

The BLM published a Federal Register Notice of Intent to Plan (Notice), and a Call for Nominations and Comments (Call), on June 23, 2003. The Notice and Call asked the public to help the BLM identify issues and resources relevant to planning and potential oil and gas leasing. The BLM also asked oil companies to identify their areas of interest within the Planning Area. The Notice and Call stated that the period during which comments would be taken on the proposal would be from June 23 through September 30, 2003. On September 15, 2003, the BLM published a Notice of Extension that extended the period for accepting scoping comments until October 31, 2003. Comments on the proposal could be submitted in writing to the BLM Project Manager or via an interactive website (<http://nenpra.ensr.com>).

Public notices announcing the scoping period were placed in newspapers in or near locations where public meetings were held. These newspapers included the Anchorage Daily News (October 5 and 7, 2003), the Fairbanks Daily News Miner (October 5 and 8, 2003), and the Arctic Sounder (October 9, 16, and 23, 2003).

Six public scoping meetings were held throughout Alaska between October 7 and November 13, 2003. Meetings (and dates) were as follows: Anchorage (October 7), Fairbanks (October 8), Nuiqsut (October 15), Barrow (October 16), Anaktuvuk Pass (October 28), and Atqasuk (November 13). The scoping meetings were conducted in an open-house style. Informational displays were set up, and a formal presentation was given to provide the public with additional information on program goals and objectives. The formal presentation was followed by a public comment session. Written and oral comments were accepted at these meetings, and a court reporter prepared a transcript of the oral comments. A translator was also provided for the public meetings in Atqasuk, Anaktuvuk Pass, Barrow, and Nuiqsut.

In addition, informal public meetings were held in 2004 in Nuiqsut (January 19) and Barrow (January 26) to describe the proposed alternatives and stipulations.

5.3 Agency and Organization Meetings

The BLM conducted a two-day workshop in Anchorage, on December 3-4, 2003, to describe and develop stipulations for use in the Northeast National Petroleum Reserve – Alaska. Attendees included representatives from federal, state, and local agencies, and representatives from the village of Nuiqsut. In addition, the BLM has held ongoing discussions with numerous federal, state, and local agencies and organizations.

5.4 Agencies and Organizations Contacted

The following agencies and organizations were contacted during the planning process:

- **Federal Agencies**
 - Minerals Management Service
 - National Oceanic and Atmospheric Administration Fisheries Service
 - National Park Service
 - U.S. Army Corps of Engineers
 - U.S. Department of Energy
 - U.S. Environmental Protection Agency
 - U.S. Fish and Wildlife Service
 - U.S. Geological Survey
- **State of Alaska Agencies**
 - Department of Fish and Game
 - Department of Natural Resources
- **Municipal Governments**
 - City of Anaktuvuk Pass
 - City of Anchorage
 - City of Atkasuk
 - City of Barrow
 - City of Bethel
 - City of Fairbanks
 - City of Kaktovik
 - City of Nuiqsut
 - City of Point Hope
 - City of Wainwright
 - Native Village of Point Lay
 - North Slope Borough

The following is a partial list of organizations and officials who were notified that the Final Amended IAP/EIS was available for review and comment (for a complete mailing list, contact: Bureau of Land Management, Office of External Affairs (912), 222 West 7th Avenue, Anchorage, Alaska 99513):

- **Organizations**
 - Arctic Slope Regional Corporation
 - Alaska Center for the Environment
 - Alaska Coalition
 - Alaska Conservation Foundation
 - Alaska Eskimo Whaling Commission
 - Alaska Miners Association
 - Alaska Oil and Gas Association
 - Alaska Outdoor Council
 - Alaska Wildlife Alliance
 - Alyeska Pipeline Service Company
 - Anadarko Petroleum Corporation
 - ARCO Alaska
 - Arctic Resource Commission
 - Arctic Slope Native Commission
 - Arctic Slope Regional Corporation

Barrow Whaling Captains Association
 BP Exploration (Alaska), Inc.
 Bristol Bay Native Corporation
 Center for Biological Diversity
 Chevron USA
 ConocoPhillips Alaska Inc.
 Defenders of Wildlife
 Ducks Unlimited Inc.
 Evergreen Resources of Alaska
 Exxon
 Forest Oil Corporation
 Japan National Oil Corporation
 Kuukpik Corporation
 Marathon Oil Company
 National Audubon Society
 Natural Resource Defense Council
 Northern Alaska Environmental Center
 Resource Development Council
 Sierra Club
 Sun-West Oil and Gas Incorporated
 The Nature Conservancy
 Total E&P USA, Inc.
 Trading Bay energy Corporation
 Ukpeagvik Inupiat Corporation
 Unocal Oil and Gas Division
 Union Texas Petroleum Company
 Wilderness Society
 Wildlife Management Institute
 World Wildlife Fund

- **Elected Officials**

Governor of Alaska Frank Murkowski
 U.S. Senator Ted Stevens
 U.S. Senator Lisa Murkowski
 U.S. Representative Don Young
 Alaska State Senators
 Alaska State Representatives

5.5 Government-to-Government Consultation

Federally recognized tribes have a unique legal and political relationship with the government of the United States, as defined by the U.S. Constitution, treaties, statutes, court decisions, and executive orders. These definitive authorities also serve as the basis for the federal government's obligation to acknowledge the status of federally recognized Tribes in Alaska.

The BLM consults with federally recognized tribes, consistent with the Presidential Executive Memorandum dated April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments; Executive Order 13175 dated November 6, 2000, on Consultation and Coordination with Indian Tribal Governments; and the January 18, 2001, Department of the Interior – Alaska Policy on Government-to-Government Relations with Alaska Native Tribes. The BLM formally consults with federally recognized tribes in Alaska before taking action or undertaking activities that will have a substantial, direct effect on federally recognized tribes, or their assets, rights, services, or programs. To this end, formal Government-to-Government consultation with the following

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federally recognized traditional governments was initiated by written correspondence on August 27, 2003, prior to scoping for the amendment:

- Native Village of Anaktuvuk Pass
- Native Village of Atkasuk
- Native Village of Barrow
- Native Village of Nuiqsut
- Iñupiat Community of the Arctic Slope

The letter sent to all of the tribal governments described the proposed action, and invited the tribes to call if they had questions or wanted to set up individual meetings with the Authorized Officer of the BLM Northern Field Office. The letter also invited the tribal councils to attend the scoping meeting scheduled for their community. All tribal governments were called approximately two weeks after the letters were sent, in order to solicit questions or potential concerns, and to make sure that the information in the letter was received and understood.

In addition, the BLM participated in a number of meetings with federally recognized tribes and state and local governments in which the topic of the amendment was on the agenda. These meetings, which are listed below, include BLM Subsistence Advisory Panel Meetings, where each panel member is a representative of either a tribal or local government, as well as meetings with the NSB and the local communities of Nuiqsut and Barrow.

- Native Village of Nuiqsut Tribal Council, October 15, 2003 in Nuiqsut, Alaska
- Subsistence Advisory Panel, November 3, 2003 in Atkasuk, Alaska
- Native Village of Atkasuk, November 4, 2003 in Atkasuk, Alaska
- Native Village of Nuiqsut Tribal Council, Kuukpik Subsistence Oversight Panel, and the City of Nuiqsut, December 3-4, 2003 in Anchorage, Alaska
- Subsistence Advisory Panel, December 11, 2003 in Barrow, Alaska
- Kuukpik Subsistence Oversight Panel, January 19, 2004 in Nuiqsut, Alaska
- Native Village of Nuiqsut Tribal Council, January 20, 2004 in Nuiqsut, Alaska
- North Slope Borough, City of Barrow, and Native Village of Barrow, January 26, 2004 in Barrow, Alaska
- Subsistence Advisory Panel, March 16, 2004 in Nuiqsut, Alaska
- Kuukpik Subsistence Oversight Panel, March 18, 2004 in Nuiqsut, Alaska
- Subsistence Advisory Panel, June 10, 2004 in Barrow, Alaska
- Subsistence Advisory Panel, November 9, 2004 in Nuiqsut, Alaska

Comments and issues brought forward through consultation with Native tribal governments focused on the following topics: 1) the purpose and need for amending the 1998 Northeast IAP/EIS; 2) protection of subsistence resources; 3) anticipated levels of oil and gas and related activities (including seismic exploration) as a result of leasing new areas; 4) development of roads to villages and bridges across rivers and streams; 5) retaining the stipulations as they currently exist in the 1998 Northeast IAP/EIS ROD; 6) use of traditional knowledge in making decisions; and 7) local employment opportunities.

During consultation, tribal leaders made a few specific recommendations. These recommendations included making stipulations and ROPS more restrictive; protecting subsistence use areas and resources; limiting restrictions on access to subsistence areas near oil developments; making core calving areas and insect-relief areas for the Teshekpuk Lake caribou herd unavailable for leasing; protecting the primary migration route of the Teshekpuk Lake caribou herd, which is located between the eastern shore of Teshekpuk Lake and the coast; protecting goose molting areas; restricting shipping traffic in areas used by bowhead whales; protecting cabins and camps; seeking ways to increase employment opportunities with oil companies on the North Slope; and adequately addressing the health and social impacts of oil and gas leasing on the residents of the North Slope. All comments and recommendations were received verbally during meetings with individual tribal councils.

5.6 Public Review and Comment on the Draft Amended IAP/EIS

The Notice of Availability (NOA) of the Draft Amendment to the Northeast National Petroleum Reserve-Alaska Integrated Activity Plan/Environmental Impact Statement (IAP/EIS) and the Announcement of Public Subsistence-Related Hearings Schedule was published in the Federal Register on June 9, 2004. The public comment period was originally scheduled from June 9, 2004, through August 8, 2004, however, it was extended through August 23, 2004. Public notices announcing the comment period were placed in newspapers with circulation in or near locations where public meetings were held. These newspapers included the Arctic Sounder (August 8 and 15, and October 28, 2004) and Tundra Drums (August 12 and November 11, 2004). Public service announcements were broadcasted on radio station KBRW from July 27 through August 17, and during late October through November 2004. The BLM issued a press release on June 9, 2004, notifying the public that the Draft Amended IAP/EIS was available for public review, and the schedule for public comment and ANILCA 810 subsistence hearings. Notices were posted at public gathering places in Nuiqsut, Barrow, Anaktuvuk Pass, and Atqasuk, all located on the North Slope of Alaska, and Bethel, Alaska, located on the Yukon Delta. Information on the Draft Amended IAP/EIS was also posted on the interactive website (<http://nenpra.enr.com>). The public was able to access the website to download a copy of the Draft Amended IAP/EIS and provide their comments (including attachments). Comments and attachments posted to the website were incorporated into a database for later analysis by the core planning team.

Public and subsistence hearings were held in Anchorage on June 28, Fairbanks on June 29, Washington D.C. on July 1, Anaktuvuk Pass on August 3 and November 8, Nuiqsut on August 9 and December 1, Atqasuk on August 10 and November 4, Barrow on August 12 and November 5, and Bethel on August 17 and November 11, for the BLM to provide an overview of the alternatives and to take public comments and subsistence testimony. Over 214,660 comments were received on the Draft Amended IAP/EIS. These included letters, electronic mail, facsimiles, comments and attachments posted to the project website, and comments provided at the public hearings. A summary of the comments received and specific comments and responses are presented in Volume II, [Chapter 6](#), of this Final Amended IAP/EIS. All comment letters are reproduced on the CD located in the back pocket of Volume I.

5.7 Development of the Final Preferred Alternative

After completion of the public hearings and closure of the public comment period, the core planning team, resource staff, and management met to review the comments and alternative proposals and to develop the BLM's final Preferred Alternative. Several alternative proposals were received. These included proposals to close or open additional areas to leasing and development; place greater or lesser restrictions on the types of activities allowed under stipulations and ROPs; and combine elements of two or more alternatives (e.g., select Alternative A, but replace the 1998 stipulations with stipulations and ROPs developed for Alternative B).

During the comment period on the Draft Amended IAP/EIS, the USFWS submitted a proposal that would leave approximately 296,000 acres northeast of Teshekpuk Lake unavailable to oil and gas leasing. The full text of the agency's letter can be read on the CD included with this document (see Comment Number 197619; U.S. Fish and Wildlife Service at Anchorage). This is an increase of 83,000 and 85,000 acres that would be made unavailable for leasing as compared to Alternative B (Preferred Alternative in Draft Amended IAP/EIS; 213,000 acres unavailable for leasing; [Map 2-2](#)), and the final Preferred Alternative (Alternative D; 211,000 acres in Teshekpuk Lake unavailable for leasing; [Map 2-4](#)), respectively. The USFWS believes their proposal would provide additional protection for molting brant and other wildlife.

An alternative proposal was also submitted by ConocoPhillips Alaska, Inc. The full text of the company's letter can be read on the CD included with this document (see Comment numbers 196557 and 197611; ConocoPhillips Alaska, Inc.). Their proposal would allow for oil and gas leasing, exploration, and development within portions of

the area closed to leasing under Alternative B. ConocoPhillips believes that their proposal would provide adequate protection for caribou and molting geese, while providing additional lands for oil and gas development.

The BLM took these proposals and other public comments into consideration when reviewing the alternatives developed for the Draft Amended IAP/EIS. Based on these comments, the BLM developed a final Preferred Alternative for the Final Amended IAP/EIS. This alternative allows for some oil and gas development in the 213,000-acre no-lease area identified under Alternative B (Map 2-4). However, this alternative also provides protection for geese, caribou, subsistence, and other resources found to the north and east of Teshekpuk Lake, by prohibiting permanent oil and gas facilities (excluding pipelines and roads in some areas) on 374,000 acres (Alternative B protects 213,000 acres), and limiting the amount of development (maximum of 300 acres) that can occur within each of seven lease tracts to the north of the lake (Map 2-4). This alternative also defers leasing of Teshekpuk Lake (211,000 acres). With the development of the final Preferred Alternative, the BLM feels it has developed a range of alternatives that encompasses the range of alternatives submitted by the public and agencies.

5.8 List of Preparers of the Amended IAP/EIS

The following specialists (and company/agency and area of specialty) are indicated in parentheses. Companies include ENSR International (ENSR); Booz, Allen, and Hamilton (BAH); LGL Alaska Research Associates, Inc. (LGL); Northern Economics, Inc. (NEI); Planera, Inc. (Planera), and Stephen R. Braund and Associates, Inc. (SRBA). Bureau of Land Management offices include the Anchorage Field Office (AFO), Alaska State Office (ASO), and Northern Field Office (NFO). The MMS is located in Anchorage, Alaska.

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- Berg, William (ENSR; Geology and Oil and Gas Exploration and Development)
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- Brumbaugh, Rob (BLM-ASO; Physiography)
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- Childs, Susan (BLM-ASO; BLM Project Manager)
- Craig, Jim (MMS; Petroleum Geology, Oil and Gas Assessment, and Oil and Gas Exploration and Development Activities)
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- Gilders, Michelle (LGL; Terrestrial Mammals)
- Goodwin, Randy (BLM-NFO; Off Highway Vehicles and Recreation)
- Grover, Elizabeth (SRBA; Section 106 Consultation and Subsistence)
- Hammond, Tim (BLM-NFO; GIS Specialist)
- Haskell, Sean (LGL; Caribou Biology)

- Hilsinger, Erik (SRBA; Traditional Knowledge and Subsistence)
- Huebner, Darek (BLM-NFO; Soils, Gravel, and Physiography)
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- Meares, Don (BLM-NFO; Physiography, Sand and Gravel, Oil and Gas Exploration-Environmental Status)
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- Munson, Kim (ENSR; Paleontology)
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- Whitman, Mathew (BLM-NFO; Fisheries)
- Williams, Michael (LGL; Marine Mammals)
- Wilson, Curt (BLM-ASO; Chief Planner/Environmental Coordinator)
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- Yokel, Dave (BLM-NFO; Terrestrial Mammals and Vegetation)